

COMMISSION MEETING MINUTES

AUGUST 21, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, August 21, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:01 p.m.

At this time, Jane Taylor, Pastor, First United Methodist Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the moving forward of all Agenda items under "Other" (with the exception of the Neighborhood Lighting Policy) for consideration after "Appointments," be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, August 7, 2014, be and the same are hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Mayor Ralph Van Brocklin abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the special called City Commission Meeting held on Monday, August 11, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Dave Hogan, on his retirement from broadcasting.

Whereas Dave Hogan has spent his entire career in his birthplace of Western North Carolina and East Tennessee, providing information to the listeners of WJCW for nearly 30 of his 57-year career; and

Whereas Dave's voice is one our citizens know well, providing public service announcements for numerous organizations, performing as master of ceremonies for countless community events, and serving as PA announcer at Science Hill High School football games; and

Whereas Dave has been a champion of local business, taking great pride in helping them succeed through radio endorsements and has also used his talents to support local governments, the Johnson City Senior Center, and charitable organizations, raising tens of thousands of dollars on the air and helping to organize the area's first radiothon for St. Jude Children's Hospital; and

Whereas While Dave says he's enjoyed his career so much that he's never had to "work" a day in his life, it's certainly been a job well done for listeners.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City, do hereby proclaim August 21, 2014

Dave Hogan Day

in Johnson City, Tennessee, and call upon residents to tune in to this treasured radio personality's final show on August 29. We will miss hearing him "Thinking Out Loud" in the mornings, and we offer a big "Hogan Howdy" to the next chapter in his life.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 21st day of August 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Janet Jennings, Finance Director, joined by Mary Hylton and Carole Whaley, Finance Staff members, presented the mayor with the Certificate of Achievement for Excellence in Financial Reporting that was issued by the Government Finance Officers Association for the Fiscal Year Ended June 30, 2013.

At this time, Becky Haas, Tennessee Community Crime Reduction Project (TCCRP) Grant Director, and Mark Sirois, Police Chief, recognized the TCCRP Partnering Agencies for their contributions to the TCCRP, which earned the "2014 Outstanding Criminal Justice Program Award" for the southern region, from the National Criminal Justice Association.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

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Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Certificate of Compliance for Steve Taylor, d/b/a Colonel Steve's Wine & Liquor, 800 West Market Street, Johnson City, Tennessee, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin and Commissioners Jeff Banyas and Jenny Brock voted aye. Vice-Mayor Clayton Stout and Commissioner David Tomita abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Special Occasion License to sell beer for the Dawn of Hope Foundation, 1500 East Millard Street, Johnson City, Tennessee, be and the same is hereby approved. Lisa Pawley, applicant, was present.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Last Call Operating Co. Inc., d/b/a Bailey's Sports Grille, 2102 North Roan Street, Johnson City, Tennessee, be and the same is hereby approved. Jason Toombs, General Manager, was present.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Loyal Order of Moose, Joseph Johnston, Administrator, 1801 West Lakeview Drive, Johnson City, Tennessee, be and the same is hereby approved. Joseph Johnston, Administrator, was present.

At this time, a motion by Commissioner Jenny Brock and second by Commissioner Jeff Banyas, to re-appoint Tembra Aldridge and appoint Grant Summers and Kipley Parks to the Johnson City Development Authority, were **withdrawn**.

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At this time, the re-appointment of Tembrea Aldridge and the appointments of Kipley Parks and Grant Summers to the Johnson City Development Authority were made by roll call as follows: Mayor Ralph Van Brocklin voted for Tembrea Aldridge and Grant Summers, Vice Mayor Clayton Stout voted for Grant Summers, Jose Castillo and Kipley Parks, Commissioner Jeff Banyas voted for Tembrea Aldridge, Grant Summers and Kipley Parks, Commissioner Jenny Brock voted for Tembrea Aldridge, Grant Summers and Kipley Parks, and Commissioner David Tomita voted for Tembrea Aldridge, Grant Summers, Jose Castillo and Kipley Parks.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner David Tomita voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the maintaining of the current number of members on the Johnson City Development Authority with the three appointments, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Mayor Ralph Van Brocklin voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the re-appointment of Amber Lee to the Housing and Development Advisory Board, be and the same is hereby approved.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That RFP #5845 for the Sale of a portion of the old Atmos Property at 1100 State of Franklin Road to Coalyard Restoration, LLC in the amount of \$350,000.00, conditional on City Commission approval of the offsite mitigation plan and aesthetic review, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That termination of an agreement between the City of Johnson City and the Johnson City Housing Authority regarding the Johnson City Athletic Club, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That acceptance of a Family Justice Center grant and contract from the Office of Criminal Justice Programs, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Organization of Watauga Libraries (OWL) Agreement, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the pulling from the Consent Agenda, of General Item A. iii., Consider Construction Retainage Escrow Account agreement with J. E. Green Company and First Tennessee Bank for the new Fieldhouse Project located at Kermit Tipton Stadium, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the remainder of the Consent Agenda for August 21, 2014, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Water & Sewer Services

Authorization for the Mayor to sign contracts with Utility Service Company, Inc. for the Watauga Back Wash & Tri-County Industrial Park Tank Rehab Project (ITB #5835)

ii. Water & Sewer Services

Consider Bid Recommendation for Water/Sewer Technology Master Plan and Implementation Services (RFQ #5806)

iii. **Finance**

Consider Construction retainage escrow account agreement with J. E. Green Company and First Tennessee Bank for the new Fieldhouse Project located at Kermit Tipton Stadium

iv. **Development Services Department**

Consider grant line item amendment of TDOT – Federal Highway Administration, Section PL 112 Grant Contract for the City of Johnson City

v. **Purchasing**

Consider declaring certain Police, Public Works and Fleet Management equipment as surplus

vi. **Johnson City Schools**

Review and Approval of Change Order #2 on the Science Hill High School Partial Re-roofing Project.

vii. **Johnson City Schools**

Review and Approval of Certificate of Substantial Completion for Morristown Roofing Co., Inc. on the Science Hill High School Partial Re-roofing Project

viii. **Public Works Department**

Consider Change Order #2 for Stansell Electric on the ITS Project. Change order is for a 30 day time extension.

ix. **Public Works Department**

Consider Resolution to Establish the Fair Market Value of a Roundabout Project located at Mountainview Road and Browns Mill Road

x. **Public Works Department**

Consider Relocation Expenses for Tract 2 for the Indian Ridge Road/State of Franklin Road Project in the amount of \$2,500

xi. **Public Works Department**

Consider Relocation Expenses for Tract 5 for the Indian Ridge Road/State of Franklin Road Project in the amount of \$33,650

xii. **Public Works Department**

Consider Relocation Expenses for Tract 6 for the Indian Ridge Road/State of Franklin Road Project in the amount of \$33,650

xiii. **Public Works Department**

Consider Relocation Expenses for Tract 15 for the Indian Ridge Road/State of Franklin Road Project in the amount of \$1,500

xiv. **Public Works Department**

Consider Salvage Values for Relocation Tracts for the Indian Ridge Road/State of Franklin Intersection

xv. **Public Works Department**

Authorize CSX Transportation Contract in the amount of \$12,000 to Review Bridge Plans on the Knob Creek Road CSX Railroad Overpass Project

B. INVOICES:

i. TML Risk Management Pool \$184,444.00

Risk Management

Annual Renewal Premium

Funding Source: Insurance Fund Liability Reserves

ii. CDM Smith \$2,417.00

Water & Sewer Services

Task Order #7 ~ Brush Creek WWTP Aeration System Energy Upgrade

Funding Source: Water/Sewer Bond Fund

- iii. Tank Industry Consultants \$2,230.00
Water & Sewer Services
Watauga Wash Water Tank & Tri County Industrial Park Tank
Funding Source: Water/Sewer Fund (Budgeted Expense)
- iv. J.E. Green Company \$68,646.26
Finance
Pay Request #1 ~ New Fieldhouse at Kermit Tipton Stadium
Funding Source: Donations and Fees
- v. Gresham Smith & Partners \$34,266.71
Public Works Department
CEI on ITS Project
Funding Source: Capital Projects
- vi. Inland Construction \$63,445.37
Public Works Department
Pay Request #3 ~ Tweetsie Trail Bridges
Funding Source: Tweetsie Trail Capital Fund
- vii. Tysinger, Hampton & Partners \$1,500.00
Public Works Department
Johnson City Rail Trail Improvements
Funding Source: Capital Projects Fund
- viii. Mechanical Design Services \$5,516.97
Administration
Freedom Hall HVAC Modifications
Funding Source: Washington County Bond Funds
- ix. Mechanical Design Services \$1,125.00
Johnson City Schools
Science Hill High School HVAC Upgrade
Funding Source: Washington County Bond Funds

C. BIDS:

i. ITB #5849

SYSCO – Knoxville \$74,313.68

Jail ~ Foods Contract

Funding Source: Budgeted Expense

TABULATION OF BIDS
CITY OF JOHNSON CITY, TENNESSEE
August 8, 2014
BID #5849- POLICE
JAIL FOODS CONTRACT

	<u>GRAND TOTAL</u>
Chesapeake Corporation	\$ 6,043.27 * partial bid
Gordon Food Services	\$ 83,806.88
Sysco	<u>\$ 74,313.68</u>
Performance Food Service	\$ 79,964.29

DECLINE FROM:

NO RESPONSE FROM: US Foods

RECOMMEND ACCEPTANCE OF LOWEST BID, CIRCLED ABOVE. ANNUAL
CONTRACT ESTIMATED COST IS BASED ON UNIT PRICES, TO BE
ORDERED AS NEEDED.

D. PURCHASES:

i. Morton Salt Inc. \$219,875.00

Public Works ~ Street Department

Rock Salt per State Contract

Funding Source: Budgeted Expense

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner David Tomita abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Construction Retainage Escrow Account agreement with J. E. Green Company and First Tennessee Bank for the new Fieldhouse Project located at Kermit Tipton Stadium, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4559-14**, "AN ORDINANCE TO AMEND THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE REGARDING EMERGENCY ALARM DEVICES AND SUBSTITUTING NEW PROVISIONS FOR CHAPTER 6 OF TITLE 11 REGARDING FALSE ALARMS," with the addition of wording to include city properties in Sullivan and Carter Counties, was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4554-14**, "AN ORDINANCE ADOPTING TAX RATES FOR THE 2014 TAX YEAR," was ***passed on second reading***. The motion ***carried*** by four ayes. Vice-Mayor Clayton Stout was absent from the Chambers. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4555-14**, "AN ORDINANCE AUTHORIZING CONVEYANCE TO DOWNTOWN REAL ESTATE INVESTORS: OLD EXXON PROPERTY ON NORTH ROAN STREET," was ***passed on second reading***. The motion ***carried*** by four ayes. Vice-Mayor Clayton Stout was absent from the Chambers. There were no nay votes.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4553-14**, "AN ORDINANCE TO AMEND TITLE 9 OF THE CODE OF THE CITY OF JOHNSON CITY; FARMERS' MARKET," was ***passed on third reading***. The motion ***carried*** by five ayes. There were no nay votes.

ORDINANCE NO. 4553-14

AN ORDINANCE TO AMEND TITLE 9 OF THE CODE OF THE CITY OF JOHNSON CITY BY AMENDING SECTION 9-403 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That Section 9-403 of the Code of the City of Johnson City, Tennessee, be amended by deleting Section 9-403 in its entirety and substituting a new Section 9-403 accordingly:

The original section 9-403 read as follows:

9-403. Peddling within fire district. No person shall peddle, sell or offer for sale, at retail, any fruits, vegetables, melons, produce, wood, coal or anything from trucks, wagons, carts or other vehicles, upon the sidewalks, streets, alleys, parkways, or public property of the city, within the fire limits or fire district of the city.

New Section 9-403, as amended, is substituted as follows:

9-403. Peddling within fire district. No person shall peddle, sell or offer for sale, at retail, any fruits, vegetables, melons, produce, wood, coal or anything from trucks, wagons, carts or other vehicles, upon the sidewalks, streets, alleys, parkways, or public property of the city (except as allowed by Section 16-105(2) of this Code or at a marketplace or farmers' market designated or allowed as such on public property of the city), within the fire limits or fire district of the city.

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage on third and final reading as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 7/17/2014
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 8/07/2014
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 8/21/2014

APPROVED AND SIGNED IN OPEN
MEETING ON THE 21st DAY OF
August, 2014
FOLLOWING PASSAGE ON THIRD
READING

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of a City Neighborhood Lighting Policy for two (2) weeks in order to allow time to gather more information on costs for maintaining the current lighting, be and the same is hereby approved. Staff will also assimilate information on the direct material cost and maintenance cost of the additional lighting resulting from the policy and present at a later date.

COMMISSION CONCERNS:

1. Commissioners would like to see priority placed on extending signage for the Tweetsie Trail through downtown and to ETSU.
2. Commissioners want to see a policy to address event requests for Tweetsie Trail.
3. Commissioners want to see a plan for how Founder's Park will be utilized.

COMMISSION MEETING MINUTES

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There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:18 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Consideration of a City Neighborhood Lighting Policy deferred for two (2) weeks in order to allow time to gather more information on costs for maintaining the current lighting.

ACTION ITEMS:

1. Commissioners would like to see priority placed on extending signage for the Tweetsie Trail through downtown and to ETSU.
2. Commissioners want to see a policy to address event requests for Tweetsie Trail.
3. Commissioners want to see a plan for how Founder's Park will be utilized.